

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the estate of Bernard L.  
Madoff,

Plaintiff,

v.

ESTATE OF SEYMOUR EPSTEIN,  
MURIEL EPSTEIN, as beneficiary of the  
Estate of Seymour Epstein and/or trusts created  
by the Last Will and Testament of Seymour  
Epstein, as executor of the Estate and/or trustee  
of the Trusts created by the Last Will and  
Testament of Seymour Epstein,

HERBERT C. KANTOR, trustee of the Trusts  
created by the Last Will and Testament of  
Seymour Epstein,

and

SHELBURNE SHIRT COMPANY, INC.,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04438 (CGM)

**APPELLEE’S DESIGNATION OF ADDITIONAL ITEMS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Under Rule 8009 of the Federal Rules of Bankruptcy Procedure, Appellee Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff, hereby submits the following designation of additional items to be included in the record on appeal in connection with the notice of appeal filed on March 15, 2021 (*Picard v. Estate of Seymour Epstein*, Adv. Pro. No. 10-04438 (CGM), ECF No. 172) from the (i) Memorandum Decision Granting Summary Judgment in Favor of Trustee, Determining Funds Held in the Bank Accounts are Customer Property, and Awarding Prejudgment Interest entered on January 27, 2021 (*Id.*, ECF No. 155); and (ii) the Judgment entered on February 4, 2021 (*Id.*, ECF No. 158), by the United States Bankruptcy Court for the Southern District of New York (Hon. Cecelia G. Morris, Chief U.S. Bankruptcy Judge), and respectfully submits as follows:

**DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED  
IN THE RECORD ON APPEAL**

The Trustee hereby designates the following additional items to be included in the record on appeal:

Filing Date	Case / ECF No.	Docket Text
1/13/2011	10-04438 / ECF No. 3	Summons and Notice of Pre-Trial Conference against Estate of Seymour Epstein Answer Due: 3/14/2011; Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein Answer Due: 3/14/2011; Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein Answer Due: 3/14/2011; Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created Answer Due: 3/14/2011; Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein Answer Due: 3/14/2011; Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein Answer Due: 3/14/2011; Shelburne Shirt Company, Inc. Answer Due: 3/14/2011; Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein Answer Due: 3/14/2011. Pre-Trial date to be determined by Court Order. (Cales, Humberto) (Entered: 01/13/2011)
1/20/2011	10-04438 / ECF No. 4	Affidavit of Service for the Complaint, Notice of Applicability of the Order Approving Litigation Case Management Procedures for Avoidance Action, and Summons (related document(s) 3 , 1 , 2 ) filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Hirschfield, Marc) (Entered: 01/20/2011)
11/7/2011	11-cv-07965-JSR / ECF No. 1	MOTION TO WITHDRAW THE BANKRUPTCY REFERENCE. Bankruptcy Court Case Numbers: 10-4438A, 08-1789 (BRL). Document filed by Randy Epstein Austin, Muriel Epstein, Herbert C. Kantor, Susan Epstein Gross, Jane Epstein, Robert Epstein, Shelburne Shirt Company, Inc., Estate of Seymour Epstein. (Attachments: # 1 Exhibit 1)(bkar) (Entered: 11/07/2011)
10/13/2011	11-cv-07766-JSR / ECF No. 3	MEMORANDUM OF LAW in Support re: 1 MOTION TO WITHDRAW THE BANKRUPTCY REFERENCE. Bankruptcy Court Case Numbers: 10-4381A, 08-1789 (BRL). Document filed by David Abel. (bkar) (Entered: 10/31/2011)
11/21/2011	11-cv-07965-JSR / ECF No. 2	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 11/21/2011)

Filing Date	Case / ECF No.	Docket Text
2/28/2012	11-cv-07965-JSR / ECF No. 10	ORDER. On December 21, 2011, defendant James Greiff moved to consolidate his case with those of over 120 other defendants and to apply all rulings in his case to those other cases nunc pro tunc. Having now fully considered the matter, the Court hereby denies Greiff's motion. Instead, on consent of the parties, the Court hereby consolidates Picard v. Abel, 11 Civ. 7766, with all cases listed in Exhibit 3 to the Declaration of Oren J. Warshavsky dated December 30, 2011 except for Picard v. Greiff, 11 Civ. 3775, Picard v. Joan Roman, 11 Civ. 7936, Picard v. Robert Roman, 11 Civ. 7937, Picard v. P & S Associates, 11 Civ. 8222, and Picard v. S & P Associates, 11 Civ. 8223. The parties should use the caption for Abel to refer to all of the consolidated cases. The parties should jointly call Chambers no later than Friday, March 2, 2012 to set a briefing schedule for the motion to withdraw currently pending in Abel or to indicate that, notwithstanding the Trustees opposition to withdrawal for the reasons he has previously stated, they regard the consolidated cases as indistinguishable from Greiff and Picard v. Blumenthal, 11 Civ. 4293, rendering the Court's decision in those cases applicable. (Signed by Judge Jed S. Rakoff on 2/27/2012) (rjm) (Entered: 02/29/2012)
4/2/2012	11-cv-07766-JSR / ECF No. 12	AMENDED MOTION to Withdraw Reference / Notice of Defendants Amended Motion to Withdraw the Bankruptcy Reference. Document filed by [All Consolidated Defendants] (Chaitman, Helen) (Entered: 04/02/2012)
4/2/2012	11-cv-07766-JSR / ECF No. 13	DECLARATION of Helen Davis Chaitman in Support re: 12 AMENDED MOTION to Withdraw Reference / Notice of Defendants Amended Motion to Withdraw the Bankruptcy Reference. Document filed by [All Consolidated Defendants] (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Chaitman, Helen) (Entered: 04/02/2012)
4/2/2012	11-cv-07766-JSR / ECF No. 14	MEMORANDUM OF LAW in Support re: 12 AMENDED MOTION to Withdraw Reference / Notice of Defendants Amended Motion to Withdraw the Bankruptcy Reference. Memorandum of Law in Support of Defendants Amended Motion to Withdraw the Bankruptcy Reference. Document filed by [All Consolidated Defendants] (Chaitman, Helen) (Entered: 04/02/2012)

5/16/2012	11-cv-07766-JSR / ECF No. 15	<p>CONSENT ORDER GRANTING CERTIFICATION PURSUANT TO FED. R. CIV. P. 54(b) FOR ENTRY OF FINAL JUDGMENT DISMISSING CERTAIN CLAIMS AND ACTIONS: THE COURT THEREFORE FINDS, CONCLUDES AND ORDERS AS FOLLOWS: The reference is deemed withdrawn from the Bankruptcy Court in each of the Eligible Actions for the limited purpose of deciding whether Section 546(e) of the Bankruptcy Code applies, limiting the Trustee's ability to avoid transfers. The entry of final judgment dismissing the Dismissed Claims ("Rule 54(b) Judgment") in the Decided Actions, the Withdrawn 546(e) Actions and the Eligible Actions pursuant to Fed. R. Civ. P. 54(b) is appropriate. To permit entry of final judgment under Fed. R. Civ. P. 54(b), there must be multiple claims or multiple parties, at least one claim finally decided within the meaning of 28 U.S.C. § 1291, and an express determination that there is no just reason for delay. In re Air Crash at Belle Harbor, N.Y., 490 F.3d 99, 108-09 (2d Cir. 2007). The Rule 54(b) Judgment to be entered will finally decide and ultimately dispose of at least one claim and, in many instances, multiple claims, asserted by the Trustee in each of the Decided Actions and the Withdrawn 546(e) Actions and, to the extent that they do not opt-out of the Rule 54(b) Judgment pursuant to this Order, the Eligible Actions. See Curtiss-Wright Corp. v. General Elec. Co., 446 U.S. 1 (1980). By reason of the Court's determination that Section 546(e) applies to the Dismissed Claims, any counts in each complaint or amended complaint that seeks avoidance of constructive fraudulent transfers pursuant to Section 548(a)(1)(B) of the Bankruptcy Code, avoidance of actual or constructive fraudulent conveyances pursuant to state avoidance statutes incorporated through Section 544 of the Bankruptcy Code, and/or avoidance of preferences pursuant to Section 547 of the Bankruptcy Code, are finally determined and dismissed against the Trustee. The Trustee's remaining claims are limited only to those that are proceeding under Sections 548(a)(1)(A) and 550(a) of the Bankruptcy Code ("Remaining Claims"), and such claims would not be dismissed by reason of a judgment dismissing the Dismissed Claims. The Dismissed Claims and the Remaining Claims are separable, see Cullen v. Margiotta, 811 F.2d 698, 711 (2d Cir. 1987), and because of the application of Section 546(e) the Remaining Claims by the Trustee can be decided independently of the Dismissed Claims. See Ginett v. Computer Task Group, 962 F.2d 1085, 1094 (2d Cir. 1992). There is no just reason for delay in the entry of final judgment dismissing the Dismissed Claims. In light of the number of adversary proceedings, claims and defendants</p>
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		<p>affected by dismissal of the Dismissed Claims pursuant to the Order, the interests of sound judicial administration and the realization of judicial efficiencies are served by the entry of such final judgment and the opportunity for an immediate appeal. See <i>Advanced Magnetics, Inc. v. Bayfront Partners, Inc.</i>, 106 F.3d 11, 16 (2d Cir. 1997) (entry of judgment on certain claims pursuant to Rule 54(b) avoids potentially expensive and duplicative trials). Because the Rule 54(b) Judgment and the dismissal of the Dismissed Claims affect hundreds of adversary proceedings commenced by the Trustee and hundreds of defendants named in those complaints or amended complaints, an immediate appeal would avoid protracted, expensive and potentially duplicative litigation proceedings, and will facilitate the prompt resolution of the case, thereby providing certainty and helping to streamline the litigation for further proceedings and possible appeals. E.g., <i>Consolidated Edison, Inc. v. Northeast Util.</i>, 318 F. Supp. 2d 181, 196-97 (S.D.N.Y. 2004); <i>Kramer v. Lockwood Pension Servs., Inc.</i>, 653 F. Supp. 2d 354, 397-98 (S.D.N.Y. 2009) (interlocutory appeal appropriate to consider a case of unusual significance “going well beyond run-of-the-mill concerns of parties”); <i>Brown v. Bullock</i>, 294 F.2d 415, 417 (2d Cir. 1961) (Friendly, J.) (interlocutory appeal appropriate where the “determination was likely to have precedential value for a large number of other suits” pending in the District Court). The Eligible Actions, Withdrawn 546(e) Actions, and Decided Actions are consolidated under the action captioned <i>Picard v. Ida Fishman Revocable Trust</i>, No. 11-cv-7603 (JSR) (S.D.N.Y.) (the “Fishman Action”), but solely with respect to and for the purposes of entry of judgment on the Dismissed Claims, and not with respect to the Trustee’s claims proceeding under Sections 548(a)(1)(A) and 550(a) of the Bankruptcy Code. The Court will administer the consolidated proceedings under the following caption: (see order). Counsel for the Trustee, SIPC and the lead counsel in the Decided Actions and the Withdrawn 546(e) Actions shall submit an agreed form of the proposed Rule 54(b) Judgment not later than May 21, 2012. If the parties cannot agree on the form of such judgment, each of the Trustee and SIPC, on one hand, and the group of lead counsel for the Decided Actions and the Withdrawn 546(e) Actions, on the other hand, may submit a proposed form of judgment and the Court will consider and determine the form of Rule 54(b) Judgment to be entered. Neither the Trustee nor SIPC shall file any notice of appeal until the expiration of the opt-out period set forth. Any defendant in an Eligible Action or a Withdrawn 546(e) Action shall be entitled to opt-out of the</p>
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Filing Date	Case / ECF No.	Docket Text
		procedures established by this Order and to continue to litigate issues related to Section 546(e) in this Court pursuant to a common briefing schedule and procedure to be separately implemented by the Court. The defendant may opt-out by notifying the Trustee in writing that such defendant does not consent to the entry of a Rule 54(b) Judgment. To be effective and binding, such written election must be received by the Trustee and filed with the District Court in the docket of the Fishman Action not later than fourteen (14) days after the date of entry of this Order. For all other purposes, common briefing on Section 546(e) issues will proceed before the District Court pursuant to a separate order of the Court. The defendants in Eligible Actions and Withdrawn 546(e) Actions that do not elect to opt-out under this paragraph shall be deemed to have preserved and made all arguments relating to the application and effect of Section 546(e) of the Bankruptcy Code that were raised in the motions to dismiss in the Decided Actions. (Signed by Judge Jed S. Rakoff on 5/12/2012) (rjm) (Entered: 05/21/2012)
10/31/2013	10-04438 / ECF No. 27	Motion to Dismiss Adversary Proceeding filed by Helen Chaitman on behalf of Defendants listed on Exhibits A and B to the Notice of Motion. (Chaitman, Helen) (Entered: 10/31/2013)
11/1/2013	10-04438 / ECF No. 28	Omnibus Memorandum of Law in Support of Motions to Dismiss (related document(s)27) filed by Julie Gorchkova on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Gorchkova, Julie) (Entered: 11/01/2013)

<b>Filing Date</b>	<b>Case / ECF No.</b>	<b>Docket Text</b>
1/17/2014	10-04438 / ECF No. 31	Opposition Brief Memorandum of Law of the Securities Investor Protection Corporation in Opposition to Defendants' Motions to Dismiss (related document(s)27) filed by Kevin H. Bell on behalf of SIPC. (Attachments: # 1 Certificate of Service) (Bell, Kevin) (Entered: 01/17/2014)
1/17/2014	10-04438 / ECF No. 32	Opposition / Trustee's Memorandum of Law in Opposition to Defendants' Motions to Dismiss (related document(s)28, 27) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Murphy, Keith) (Entered: 01/17/2014)
1/17/2014	10-04438 / ECF No. 33	Declaration /Declaration of Nicholas J. Cremona, pursuant to 28 U.S.C. § 1746, in Support of Trustee's Memorandum of Law in Opposition to Defendants' Motions to Dismiss (related document(s)32) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4) (Murphy, Keith) (Entered: 01/17/2014)
2/21/2014	10-04438 / ECF No. 37	Reply Declaration of Helen Davis Chaitman in further support of Motions to Dismiss filed by Helen Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit # 2 Exhibit) (Chaitman, Helen) (Entered: 02/21/2014)



Filing Date	Case / ECF No.	Docket Text
2/21/2014	10-04438 / ECF No. 38	Reply Memorandum of Law Defendants' Omnibus Reply Brief in Further Support of Motions to Dismiss filed by Julie Gorchkova on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Gorchkova, Julie) (Entered: 02/21/2014)
6/15/2015	10-04438 / ECF No. 40	Notice of Settlement of an Order Regarding June 2, 2015 Decision re: Omnibus Motions to Dismiss (related document(s)39) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 06/15/2015)
2/23/2018	10-04438 / ECF No. 53	Motion to Approve /Motion and Supporting Memorandum of Law for an Order Establishing Omnibus Proceeding for the Purpose of Determining the Existence, Duration, and Scope of the Ponzi Scheme at BLMIS filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff with hearing to be held on 3/28/2018 at 10:00 AM at Courtroom 723 (SMB) Responses due by 3/14/2018,. (Attachments: # 1 Exhibit A Case List # 2 Exhibit B Proposed Order # 3 Notice of Motion) (Sheehan, David) (Entered: 02/23/2018)
4/13/2018	10-04438 / ECF No. 57	Letter to Judge Bernstein regarding the Trustee's Request for Extension and Adjournment of Hearing on Omnibus Ponzi Proceeding (related document(s)55) Filed by Stacey Ann Bell on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Bell, Stacey) (Entered: 04/13/2018)

Filing Date	Case / ECF No.	Docket Text
4/13/2018	10-04438 / ECF No. 59	Letter to Hon. S. Bernstein pursuant to Local Rule 5070-1 Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 DEC # 2 Exhibit A # 3 Exhibit B # 4 Exhibit C # 5 Exhibit D # 6 Exhibit E # 7 Exhibit F # 8 Exhibit G # 9 Exhibit H # 10 Exhibit I # 11 Exhibit J # 12 Exhibit K # 13 Exhibit L # 14 Exhibit M # 15 Exhibit N # 16 Exhibit O # 17 Exhibit P)(Chaitman, Helen) (Entered: 04/13/2018)
4/16/2018	10-04438 / ECF No. 60	Statement Joinder to Good Faith Defendants Consolidated Opposition [ECF No. 17469] filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A # 2 Exhibit A-1) (Chaitman, Helen) (Entered: 04/16/2018)

Filing Date	Case / ECF No.	Docket Text
4/16/2018	10-04438 / ECF No. 61	Memorandum of Law Defendants' Memorandum of Law in Opposition to Trustee's Motion for an Order Establishing an Omnibus Proceeding to Determine the Existence, Duration, and Scope of the Alleged Ponzi Scheme at BLMIS filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Declaration # 2 Exhibit A # 3 Exhibit B # 4 Exhibit C # 5 Exhibit D # 6 Exhibit E # 7 Exhibit F # 8 Exhibit G # 9 Exhibit H # 10 Exhibit I # 11 Exhibit J # 12 Exhibit K # 13 Exhibit L # 14 Exhibit M # 15 Exhibit N # 16 Exhibit O) (Chaitman, Helen) (Entered: 04/16/2018)
4/20/2018	10-04438 / ECF No. 63	Letter to Judge Bernstein in response to Chaitman LLP's letter dated April 11, 2018 (related document(s)59) Filed by Stacey Ann Bell on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A # 2 Exhibit B)(Bell, Stacey) (Entered: 04/20/2018)
5/18/2018	10-04438 / ECF No. 65	Letter to Judge Bernstein regarding the Trustee's Request for Extension and Adjournment of Hearing on Omnibus Ponzi Proceeding (related document(s)58) Filed by Stacey Ann Bell on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Bell, Stacey) (Entered: 05/18/2018)
6/13/2018	10-04438 / ECF No. 69	Letter to Judge Bernstein regarding the Trustee's Request for Extension and Adjournment of Hearing on Omnibus Ponzi Proceeding (related document(s)67) Filed by Stacey Ann Bell on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Bell, Stacey) (Entered: 06/13/2018)

Filing Date	Case / ECF No.	Docket Text
7/18/2018	10-04438 / ECF No. 71	Reply to Motion /Reply in Support of the Trustee's Motion for an Order Establishing Omnibus Pre-Trial Proceeding on The Existence, Duration, and Scope of the Ponzi Scheme at BLMIS (related document(s)53) filed by Stacey Ann Bell on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A # 2 Exhibit B) (Bell, Stacey) (Entered: 07/18/2018)
7/26/2018	10-04438 / ECF No. 73	Sur-Reply to Motion (related document(s)53) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Declaration of Helen Davis Chaitman # 2 Exhibit A # 3 Exhibit B # 4 Exhibit C) (Chaitman, Helen) (Entered: 07/26/2018)
9/21/2018	10-04438 / ECF No. 74	Motion to Approve /Memorandum of Law in Support of Trustee's Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff with hearing to be held on 10/31/2018 at 10:00 AM at Courtroom 723 (SMB) Responses due by 10/17/2018,. (Attachments: # 1 Exhibit A - Remaining Good Faith Cases # 2 Exhibit B - Cases Participating in Madoff's Deposition # 3 Exhibit C - Cases Not Participating in Madoff's Deposition # 4 Exhibit D - Cases with Open Fact Discovery # 5 Exhibit E - Cases with Closed Fact Discovery with CMOs # 6 Exhibit F - Cases with Served Expert Reports # 7 Exhibit G - Bongiorno Rule 30 Order # 8 Exhibit H - Bonventre Rule 30 Order # 9 Exhibit I - Crupi Rule 30 Order # 10 Exhibit J - Main Proposed Order # 11 Notice of Motion) (Kosack, Melissa) (Entered: 09/21/2018)

Filing Date	Case / ECF No.	Docket Text
9/21/2018	10-04438 / ECF No. 75	Declaration of David J. Sheehan in Support of the Memorandum of Law in Support of Trustee's Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff (related document(s)74) filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A - Remaining Good Faith Actions # 2 Exhibit 1 - Madoff Day 1 Dep Order # 3 Exhibit 2 - Madoff Day 2 Dep Order # 4 Exhibit 3 - Chaitman Discovery Order # 5 Exhibit 4 - Madoff Dep Excerpts (12/20/2016) # 6 Exhibit 5 - Madoff Dep Excerpts (4/26/2017) # 7 Exhibit 6 - Madoff Dep Excerpts (4/27/2017) # 8 Exhibit 7 - Madoff Dep Excerpts (11/8/2017) # 9 Exhibit 8 - Madoff Dep Excerpts (11/9/2017)) (Kosack, Melissa) (Entered: 09/21/2018)
10/17/2018	10-04438 / ECF No. 77	Opposition (related document(s)74) filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Declaration # 2 Exhibit A -2016-05-17 Transcript of proceedings # 3 Exhibit B -14807 (08-01789) Discovery Arbitrator's Order # 4 Exhibit C -2017-06-29 Transcript of proceedings # 5 Exhibit D -2017-05-31 Transcript of proceedings # 6 Exhibit E -2018-07-25 Transcript of proceedings # 7 Exhibit F -(10-04748) Trustee's Initial Disclosures # 8 Exhibit G -2018-09-26 Transcript of proceedings # 9 Exhibit H -2016-07-08 Transcript of Bongiorno Deposition # 10 Exhibit I -2016-06-13 Transcript of Sala Deposition # 11 Certificate of Service) (Chaitman, Helen) (Entered: 10/17/2018)

<b>Filing Date</b>	<b>Case / ECF No.</b>	<b>Docket Text</b>
10/24/2018	10-04438 / ECF No. 78	Reply to Motion / Reply Memorandum in Further Support of Trustee's Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff (related document(s)74) filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A - Remaining Good Faith Cases) (Kosack, Melissa) (Entered: 10/24/2018)
10/24/2018	10-04438 / ECF No. 79	Declaration of David J. Sheehan in Support of the Reply Memorandum in Further Support of Trustee's Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff (related document(s)74) filed by Melissa Kosack on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 - 11-9-2017 Madoff Dep Excerpts # 2 Exhibit 2 - 10-31-2017 Letter to H. Chaitman re CMO Deadline # 3 Exhibit 3 - 8-9-2017 Email Exchange Chaitman Shifrin # 4 Exhibit 4 - 11-8-2017 Madoff Dep Excerpts # 5 Exhibit 5 - 7-5-2018 Email from Kratenstein to Trustee re OPOP) (Kosack, Melissa) (Entered: 10/24/2018)
2/27/2019	10-04438 / ECF No. 81	Notice of Settlement of an Order Implementing Memorandum Decision Regarding Trustee's Motion for Additional Discovery Based on the Deposition of Bernard L. Madoff filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A List of Adversary Proceedings # 2 Exhibit 1 Proposed Order)(Sheehan, David) (Entered: 02/27/2019)

Filing Date	Case / ECF No.	Docket Text
2/27/2019	10-04438 / ECF No. 82	Letter to Court regarding objection to Trustee's proposed order (related document(s)81) Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A to 2.27.19 HDC Ltr. to Court re. Objection to Trustee's proposed order # 2 Exhibit B to 2.27.19 HDC Ltr. to Court re. Objection to Trustee's proposed order)(Chaitman, Helen) (Entered: 02/27/2019)
2/28/2019	10-04438 / ECF No. 84	Notice of Settlement of an Order Lifting the Stay on Discovery of BLMIS Employees Subpoenaed by Chaitman LLP filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit 1 [Proposed] Order Lifting the Stay on Discovery of BLMIS Employees Subpoenaed by Chaitman LLP # 2 Exhibit A to [PROPOSED] ORDER List of Participating Chaitman LLP Defendants)(Chaitman, Helen) (Entered: 02/28/2019)

Filing Date	Case / ECF No.	Docket Text
3/5/2019	10-04438 / ECF No. 85	Objection to Order Lifting the Stay on Discovery of BLMIS Employees Subpoenaed by Chaitman LLP (related document(s)84) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit 1 - Trustee's Counter Proposed Order # 2 Exhibit 2 - Redline of Trustee's Counter Proposed Order) (Sheehan, David) (Entered: 03/05/2019)
4/3/2019	10-04438 / ECF No. 88	Order Signed On 4/2/2019 Re: Authorizing Certain Discovery Of BLMIS Employees Subpoenaed By Chaitman LLP, (Related Lead Case #08-01789 (SMB) Related Document(s) #18480). (Mercado, Tracey) (Entered: 04/03/2019)
5/31/2019	10-04438 / ECF No. 90	Letter to the Hon. Stuart M. Bernstein Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D)(Chaitman, Helen) (Entered: 05/31/2019)



Filing Date	Case / ECF No.	Docket Text
6/17/2019	10-04438 / ECF No. 92	Letter to the Hon. Stuart M. Bernstein Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D)(Chaitman, Helen) (Entered: 06/17/2019)
6/24/2019	10-04438 / ECF No. 93	Letter /Trustee's June 24, 2019 Response to the June 17, 2019 Letter filed by Chaitman Defendants requesting a conference for a motion to compel document production (related document(s)92) Filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C)(Sheehan, David) (Entered: 06/24/2019)
8/26/2019	08-01789 / ECF No. 18961	Written Opinion Signed On 8/26/2019. Re: So Ordered Memorandum Decision And Order Affirming Order Of Discovery Arbitrator. (Barrett, Chantel) (Entered: 08/26/2019)
11/15/2019	08-01789 / ECF No. 19138	Motion to Approve /Trustees Memorandum of Law in Support of His Motion for Fees and Expenses Pursuant to Fed. R. Civ. P. 37(A)(5)(B) filed by David J. Sheehan on behalf of Irving H Picard Esq. with hearing to be held on 12/17/2019 at 10:00 AM at Courtroom 723 (SMB) Responses due by 12/10/2019,. (Attachments: # 1 Notice of Motion) (Sheehan, David) (Entered: 11/15/2019)
11/15/2019	08-01789 / ECF No. 19139	Declaration /Declaration of Maximillian S. Shifrin in Support of Trustees Motion for Attorneys Fees Pursuant to Fed. R. Civ. P. 37(A)(5)(B) (related document(s)19138) filed by David J. Sheehan on behalf of Irving H Picard Esq.. (Attachments: # 1 Exhibit Exhibit A # 2 Exhibit Exhibit B # 3 Exhibit Exhibit C # 4 Exhibit Exhibit D # 5 Exhibit Exhibit E # 6 Exhibit Exhibit F) (Sheehan, David) (Entered: 11/15/2019)

<b>Filing Date</b>	<b>Case / ECF No.</b>	<b>Docket Text</b>
11/21/2019	08-01789 / ECF No. 19157	Written Opinion Signed On 11/21/2019. Re: Post-Trial Findings Of Fact And Conclusions Of Law (10-4658, 10-4377) (Barrett, Chantel) (Entered: 11/21/2019)
1/13/2020	08-01789 / ECF No. 19252	Opposition MEMORANDUM OF LAW IN OPPOSITION TO THE TRUSTEES MOTION FOR ATTORNEYS FEES AND EXPENSES PURSUANT TO FED. R. CIV. P. 37(a)(5)(B) (related document(s)19138) filed by Helen Davis Chaitman on behalf of Donald A. Benjamin, Bruno Digiulian, Bruno L. Digiulian, Russell L Dusek, Russell Laslow Dusek, Estate of Boyer Palmer, Estate of Boyer Palmer, Estate of Evelyn Berezin, Estate of Evelyn Berezin Wilenitz, Edyne Gordon, Toby Harwood, Felice J. Perlman, Sanford S. Perlman, Train Klan, a Partnership. (Chaitman, Helen) (Entered: 01/13/2020)
1/17/2020	08-01789 / ECF No. 19258	Reply to Motion /Trustee's Reply Memorandum of Law in Further Support of His Application for Fees & Expenses Pursuant to Fed. R. Civ. P. 37(a)(5)(B) [Adv. Pro. Nos. 10-04818, 10-04914, 10-04826, 10-04541, 10-04905, 10-04621] (related document(s)19138) filed by David J. Sheehan on behalf of Irving H. Picard. (Sheehan, David) (Entered: 01/17/2020)
3/5/2020	10-04438 / ECF No. 98	Letter /Letter to Judge Bernstein re Remaining Chaitman LLP Adversary Proceedings Filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Exhibit A # 2 Exhibit B)(Cremona, Nicholas) (Entered: 03/05/2020)
3/6/2020	10-04438 / ECF No. 99	Letter in Response to Trustee's Letter to Judge Bernstein re Remaining Chaitman LLP Adv. Pro. Listed on Exhibit A Filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C.Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein. (Attachments: # 1 Exhibit A)(Chaitman, Helen) (Entered: 03/06/2020)

Filing Date	Case / ECF No.	Docket Text
3/20/2020	08-01789 / ECF No. 19423	Written Opinion Signed On 3/20/2020. Re: Memorandum Decision Granting Fees And Expenses Pursuant To Fed. R. Civ. P. 37(A)(5)(B) (10-4995, 10-4818, 10-4914, 10-4826, 10-4644, 10-4541, 10-4728, 10-4905 and 10-4621) (related document(s)19138) (Barrett, Chantel) (Entered: 03/20/2020)
3/30/2020	08-01789 / ECF No. 19455	Notice of Settlement of an Order Granting Trustee's Motion for Fees and Expenses Pursuant to Fed.R.Civ.P. 37(a)(5)(B) (related document(s)19138) filed by Nicholas Cremona on behalf of Irving H. Picard. Objections due by 3/31/2020, (Attachments: # 1 Exhibit 1)(Cremona, Nicholas) (Entered: 03/30/2020)
4/1/2020	08-01789 / ECF No. 19461	Order Signed On 4/1/2020 Re: Granting Trustees Motion For Fees And Expenses Pursuant To Fed. R. Civ. P. 37(A)(5)(B) (Related Doc # 19138) . (Barrett, Chantel) (Entered: 04/01/2020)

Dated: April 8, 2021  
New York, New York

Respectfully submitted,

/s/ Seanna R. Brown

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